

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**ANTHONY FRATTIN on behalf of himself
and others similarly situated,**

INDEX NO: 07 CV 3383 (PAC)

Plaintiff,

v.

**WEST 44th STREET RESTAURANT LLC,
d/b/a KELLARI TAVERNA, STAVROS
AKTIPIIS, and HARSHAD SHAH,**

Defendants.

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ORDER TO SHOW CAUSE

Upon the next affidavits of Anthony Frattin (and exhibit attached thereto), “John Doe,” and Maimon Kirschenbaum, and the accompanying memorandum of law, as well as other papers and prior proceedings in this action, it is hereby;

ORDERED that Defendants or their attorneys show cause at a hearing before the honorable Judge A. Crotty, United States District Judge, in courtroom 20C of the United States Courthouse, New York, New York, on _____, 2007, at ____:____ M, or as soon thereafter as counsel may be heard, why an order should not be entered granting Plaintiffs a preliminary injunction, pursuant to the Court’s inherent powers and Rule 65(a) of the federal rules of civil procedure relief, (a) requiring Defendants to reinstate Plaintiff, (b) enjoining Defendants from further acts of retaliation, including but not limited to, terminating and/or threatening to terminate employees that join this lawsuit without giving prior notice to Plaintiff’s counsel, demonstrating legitimate non-

discriminatory reasons for such termination and (c) requiring Defendants to publish a letter and a poster to all employees at Kellari stating that retaliation for participating is illegal, together with the name , phone number and address of Plaintiff's firm.

IT IS FURTHER ORDERED that Defendants, their agents and employees, and all other persons acting in concert with them, are hereby temporarily restrained and enjoined from retaliating against any Plaintiff for participating in this lawsuit and prohibited from firing or taking any other adverse employment action against any Plaintiff without providing Plaintiffs and this Court with advance notice of such action, and demonstrating to this Court a legitimate business reason for such adverse employment action.

IT IS FURTHER ORDERED that Plaintiff is permitted to file a Declaration of a current non-Plaintiff employee with the name of the declarant redacted and refer to the declaration as the "John Doe" declaration.

IT IS FURTHER ORDRED that Plaintiff shall serve by hand delivery upon Defendants' counsel a copy of this Order To Show Cause and the papers upon which it is based no later than __:__ __M on _____, 2007; that Defendants shall serve by hand delivery upon Plaintiffs' counsel any opposition to the above motion no later than __:__ __M on _____, 2007; and that Plaintiff shall serve by hand delivery upon Defendants' counsel any reply in support of the above motion no later than __:__ __M on _____, 2007.

U.S.D.J.